



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JAN 28 2013

REPLY TO THE ATTENTION OF: WC-15J

**CERTIFIED MAIL** 7009 1680 0000 7669 4346  
**RETURN RECEIPT REQUESTED**

The Honorable Mike Moore  
Mayor of Jeffersonville  
Suite 250 City Hall  
500 Quartermaster Court  
Jeffersonville, Indiana 47130

Subject: City of Jeffersonville, Supplemental Environmental Project (SEP), Long Term Control Plan (LTCP) and Proposed Revised Implementation Schedule

Dear Mayor Moore:

We thank you for your September 7, 2012 response letter including 1) Jeffersonville's "Proposed Alternate Woodland Court Supplemental Environmental Project" (SEP) dated August, 2012; and 2) the "Tenth Street Interceptor: Phase 2 Separation" proposed revised schedule including the "Overall Implementation Schedule" update for all Phase 2 Projects.

The Environmental Protection Agency (EPA) believes the Woodland Court wetland restoration concept has good potential and we appreciate the extra effort the City of Jeffersonville (City) has incorporated into the alternate plan. In order to fully understand and evaluate the alternate plan, please respond to the following questions and comments.

**Federal Supplemental Environmental Project (SEP)**

**SCOPE:**

The original River Ridge Commerce Center (RRCC) SEP as described in Appendix E.A.2., consisted of a 1.2 acre constructed wetland located northwest of a detention basin, an approximately 0.5 acre constructed wetland southwest of the detention basin, and a 2,400 square foot (SF) vegetated filter located at the effluent of the detention basin. Storm water runoff from the urban River Ridge Commerce Center is tributary to the detention basin whose effluent is discharged into Lentzier Creek.

The proposed alternate Woodland Creek (WC) SEP consists of a 1.2 acre constructed forested wetland with 0.3 acres of emergent marsh habitat and 2.0 acres of additional forested wetlands,

the restoration of previously disturbed/cleared areas and 1.9 acres of forested riparian area. An 820 foot unnamed perennial creek averaging 2.5 feet in width (2,050 SF in area) is tributary to Lancassange Creek.

The SEP property is said to be owned by the City with permanent protection as a natural area by way of a recorded deed restriction. Please provide proof of ownership and a copy of the deed restriction protecting the SEP. Also include copies of the wetland delineations by Redwing Ecological Services, Inc., the U.S. Army Corps of Engineers and Indiana Department of Environmental Management referenced in Section 2.2 of the proposed SEP.

Please include the proposed buffer areas around the delineated wetland areas on the proposed site as part of the wetland delineation map.

Please indicate the manner in which the area will be protected from damage due to off road vehicles and littering. Is this to be accomplished by signage?

The original RRCC SEP accepted urban runoff and contained a more channelized hydrology through the wetland while the proposed WC SEP appears to be more of a sheet flow through the wetland as proposed. Please describe the hydrology through the proposed WC wetland in more detail including the 2,050 SF perennial creek. Is the tributary offsite run-on from an urban source? Please describe.

Are riparian improvements (plantings) proposed for the unnamed 2,050 SF perennial creek in the WC SEP as they were planned for the RRCC SEP 2,200 SF filter strip?

Soils should be tested to ensure that hydric soils are established per USACOE Wetland Delineation Manual methodologies. Please advise how this will be accomplished.

Please advise if any work is to be completed within Lancassange Creek or is the City only proposing to plant a buffer along the riparian area of the receiving stream.

#### WATER QUALITY SAMPLING:

The original SEP and the proposed SEP require water quality sampling and monitoring. The original SEP (Appendix E., A. 2.) required sampling of the water quality in the detention basin effluent at least 2 months prior to construction of the SEP. Following construction of the wetlands, the City is to use automatic samplers designed to collect wetland influent and effluent storm water samples and analyze the water samples for the parameters listed in Appendix E. of the consent decree in accordance with the required sampling frequencies. The proposed SEP does not describe the manner in which these requirements will be met. Please provide a narrative description of the methodologies and manner in which the water quality sampling requirements will be addressed.

Please indicate on the plan the location of the sampling points where the sampling for both influent and effluent water samples will be taken for the parameters required.

Please provide a description of the automatic sampling equipment and the manner in which the integrity of the samplers will be maintained and protected from exposure to freezing weather and vandalism.

The sampling is to be completed (two samples for each pollutant listed in Appendix E) after completion of the project with the first sample being taken within 30 days after construction of the wetland and the second sampling at a later prescribed date. Please provide a schedule for the completion of the constructed wetland and required influent and effluent sampling events in Section 9.0 of the proposed SEP.

#### SEP MAINTENANCE AND REPORTING:

EPA realizes that the City has begun construction of the SEP at its own risk before approval to take advantage of the fall season for grading, excavation, groundcover seeding, planting of trees and shrubs in preparation for the planting of wetland species in the spring of 2013. The proposed SEP describes 5 year monitoring and maintenance activities to ensure long term management and success of the Woodland Court Wetland Restoration Project as completed.

Please provide a better description in the SEP regarding the manner in which wetland species that are lost will be replaced and the timeframe of replacements. Will the lost specimens be replaced in kind, with similar species? Section 6.1 states that stability monitoring will be done three times per year. These timeframes as described in Section 6.2 of the proposed SEP should be specified and entered on the Project Implementation Table in Section 9.0 of the proposed SEP.

Section 3.3 of the proposed SEP states that invasive species from floodplain and riparian zones will be identified and removed from the entire site by removal or herbicide application. If herbicides are used, a licensed applicator should be used and this should be specified in the SEP narrative.

Provide the measurable performance standards in Section 5.0 of the proposed SEP on standardized data forms (as with Appendices A and B of the proposed SEP report). Measurable performance standards would include the success of wetland vegetation and plantings, a description of the seasonal hydrology through the site and the establishment of hydric soil conditions.

Section 6.3 of the proposed SEP states that reporting will be provided to EPA annually. Narrative should be included in the proposed SEP that upon completion of the SEP, the City will submit succinct Woodland Court wetland restoration progress reports in its Semi-Annual reports currently provided to EPA. The reports should describe any water quality improvements achieved by the federal SEP per Appendix E.3. of the consent decree.

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WATER ENFORCEMENT & COMPLIANCE  
ASSURANCE BRANCH, EPA, REGION 5

**COST:**

VIII.A., Paragraph 38 a. of the consent decree states that the cost of the implementation of the federal SEP, exclusive of inventory on hand, overhead, additional employee time and salary, administrative expenses, legal fees, and contractor oversight costs is \$130,000.00.

Please provide a modification to "Estimated Expense Table" in Section 8.0 of the proposed SEP to include all costs that qualify and show that the minimum cost threshold has been met. The proposed SEP does not list all of the costs. The cost of the 14.7 acre alternate site, previously listed as \$200,000.00 was not listed in your alternate SEP proposal plan. Please note those costs which do not qualify for credit as listed above.

Please note that in accordance with VII.A., Paragraph 39 a. of the consent decree, the City is required to submit a federal SEP completion report to the United States and the State within 30 days after the completion date set for the federal SEP.

Although we recognize the progress the City has made to date, at this time this letter serves as a notice of disapproval of the proposed substitute federal SEP pending our review of your response to our questions and comments.

Please provide responses to the review comments within 60 days of receipt of this letter.

Tenth Street Sewer Separation and Revised LTCP Implementation Schedule

EPA has reviewed the proposed revised LTCP schedule as submitted by the City and received 09/20/2012 and approves the revised schedule of completion as presented and summarized below.

The revised schedule would provide an economic benefit to the City by incorporating the Tenth Street sewer separation project with the Tenth Street road widening project which is to be funded in part by the Indiana Department of Transportation (InDOT). Just as importantly, this revision will serve to more quickly reduce the number of CSO events.

To facilitate this project, the proposed changes to the original LTCP implementation schedule include the Market Street Interceptor Replacement Project (from 06/30/2019 to 06/30/2018), the Mulberry Storm Outfall Flood Pump Station Project (from 12/31/2017 to 06/30/2019) and the Separation near Mulberry Phase I and Outfall Project (from 12/31/2017 to 06/30/2020). The revised schedule provides start and completion dates for design, approval, bidding, construction and commission for each project.

We will be pleased to discuss all of the above concerns with you.

Your response should be mailed to:


John "Jack" J. Bajor, Jr.  
Enforcement Officer  
U.S. EPA, Region 5 (WC-15J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

And

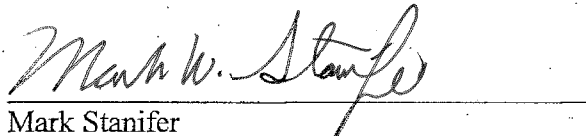
Dave Tennis  
CSO Project Manager, Compliance Branch  
Office of Water Quality  
Indiana Department of Environmental management  
100 North Senate Street  
P.O. Box 6015  
Indianapolis, Indiana 46206

Please Contact Jack Bajor, at 312-353-4633 or [bajor.john@epa.gov](mailto:bajor.john@epa.gov) if you have any questions.

Sincerely,



Dean Maraldo  
Chief, Water Enforcement and Compliance Assurance  
Branch (WC-15J)  
U.S. Environmental Protection Agency, Region 5



Mark Stanifer  
Chief, Compliance Branch  
Office of Water Quality  
Indiana Department of Environmental Management

cc: W. Benjamin Fisherow  
Acting Chief, Environmental Enforcement Section  
U.S. Department of Justice -- DOJ No. 90-5-1-1-08723  
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